

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1, 4, 6-7, 10-11, 14-15 and 17-26 are pending in the present application. Claim 1 has been amended to recite an isolated mite protein comprising amino acids 1-83 of the sequence disclosed in SEQ ID NO. 2. Support for this amendment may be found in the present specification at page 10, lines 1-21. Claim 14 has been amended to recite a method for screening a protein according to claim 1, or a peptide which exhibits antigenic properties essentially equivalent to said protein. Support for the changes to claim 14 may be found in the present specification at page 3, lines 27-29. Claim 19 has been amended to generically recite an immunogenic composition. Claim 20 has been amended to recite a method for treating a disease associated with mites, *Sarcoptes mange*, or scabies. Support for amended claims 19 and 20 may be found generally throughout the specification. Claims 2, 3, 5, 8, 9, 12, 13, 16 and 27 have been canceled.

In the outstanding Official Action, claims 14-15 were rejected for reciting the term "spatial arrangement of one or more biologically active regions remain substantially preserved". Claims 14 and 15 have been amended so that this phrase is no longer recited in the claims. As a result, applicant believes that claims 14 and 15 are definite to one skilled in the art.

Claims 1, 4-7, 10-11, 14-15 and 17-24 were rejected under 35 USC §112, first paragraph, for not complying with the written description requirement. Applicant believes that the present amendment obviates this rejection.

In imposing the rejection, the Official Action states that the present disclosure does not describe the common attributes or characteristics that identify members of the claimed genus of protein comprising at least 83 amino acids of SEQ ID NO: 2. However, as noted above, the claims have been amended to recite an isolated mite protein comprising amino acids 1-83 of the sequence disclosed in SEQ ID NO. 2. Thus, the claims are directed to a specific sequence. As a result, applicant requests that the rejection be withdrawn.

Claims 19-21 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. Applicant believes that the present amendment obviates this rejection.

The Official Action stated that while the present disclosure was enabling for an immunogenic composition, the present disclosure was not enabling for vaccines. Applicant believes that the present amendment obviates this rejection.

In imposing the rejection, the Official Action stated that the type of immunity required of claims 19-21 was analogous to the prevention of *Sarcoptes mange* or scabies. However, as noted above, claim 19 is directed to an immunogenic preparation.

Claim 20 has been amended to recite a method of treating disorders. As a result, applicant believes that the present amendment obviates this rejection.

Claim 25 was rejected under 35 USC §112, first paragraph, for allegedly not being enabling for recombinant host cells. Applicant believes the present amendment obviates this rejection.

As suggested on page 9 of the Official Action, the Examiner suggested that claim 25 be amended to recite "An isolated host cell comprising...". As suggested by the Examiner, claim 25 has been amended to recite an isolated host cell. Applicant would like to thank the Examiner for his suggestions how to overcome this rejection.

Claim 6 was rejected under 35 USC §102(b) as allegedly being anticipated by BIRKETT et al. 5,302,527. This rejection is respectfully traversed.

BIRKETT et al. relate to the use of nitrate reductase gene as a selection marker in transformations of the antibiotic-producing species *Penicillium chrysogenum* and *Acremonium chrysogenum*. As a result, applicant believes that BIRKETT et al. fail to anticipate the claimed invention. BIRKETT et al. fail to disclose or suggest an isolated nucleic acid as set forth in the claimed invention. While the oligomers according to BIRKETT et al. include all possible combinations of nucleotide-hexamers, BIRKETT et al. do not disclose or suggest the isolation of a

nucleic acid as set forth in the claimed invention. As a result, applicant believes that claim 6 is not anticipated or rendered obvious by BIRKETT et al.

Claims 14-15 were rejected under 35 USC §102(e) as allegedly being anticipated by HSU 6,171,800. This rejection is respectfully traversed.

In imposing the rejection, the Official Action states that HSU is reasonably deemed to be an "analogue" of the protein of the claimed invention. However, as noted above, claims 14-15 have been amended to recite a method for screening a protein according to claim 1, or a peptide which exhibits antigenic properties essentially equivalent to said protein." As HSU fails to disclose or suggest a protein set forth in the claimed invention, applicant believes that HSU fails to anticipate or render obvious the claimed invention.


Claim 6 was rejected as allegedly reciting "new matter". However, claim 6 has been amended to delete the material identified as new matter from the claim.

In view of the present amendment and the foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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